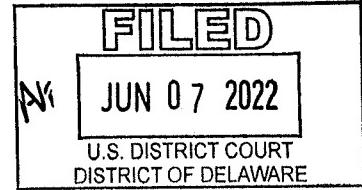


(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Brandi Lee Penhoyer



(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Corynne Price
CF Perez

Civ. Action No. 22 - 748

(To be assigned by Clerk's Office)

COMPLAINT

(Pro Se Prisoner)

Jury Demand?

Yes

No

(In the space above enter the full name(s) of the defendant(s).

If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

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I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Check one:

- 42 U.S.C. § 1983 (state, county, or municipal defendants)
- Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

II. PLAINTIFF INFORMATION

Panchiger Brandon L. S. Bud
 Name (Last, First, MI) Aliases

110728
 Prisoner ID #

James T Vaughn Correctional Center
 Place of Detention

1181 Pudduk Rd
 Institutional Address

Keweenaw County, City MI DE 19977
 State Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner

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IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: Cpl Price
Name (Last, First)

Correctional Officer (Corporal)
Current Job Title

1181 Paddock Rd
Current Work Address

<u>Kent Smyrna</u>	<u>DE</u>	<u>19877</u>
County, City	State	Zip Code

Defendant 2: Perez
Name (Last, First)

Correctional Lieutenant
Current Job Title

1181 Paddock Rd
Current Work Address

<u>Kent Smyrna</u>	<u>DE</u>	<u>19877</u>
County, City	State	Zip Code

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Defendant(s) Continued

Defendant 3:

Name (Last, First)

Current Job Title

Current Work Address

County, City

State

Zip Code

Defendant 4:

Name (Last, First)

Current Job Title

Current Work Address

County, City

State

Zip Code

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V. STATEMENT OF CLAIM

Place(s) of occurrence:

Janesville Vaughan Correctional Center

Date(s) of occurrence:

State which of your federal constitutional or federal statutory rights have been violated:

8th Amendment Cruel and Unusual Punishment
14th Amendment

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

What happened to you?

I was housed on C-Debt Tier at approximately 9:50 AM I heard faces on the wall in my cell. I was informed I was being washed up so I waited. Later Lt Perez came on the tier and in SP I was down and I said where. What he then instructed Corporal Price to spray his ass verbatim my cell door hit me I spun and I was sprayed for approximately 3 seconds I had no pants then he second rock or was I being disruptive at the time I was standing quickly and calmly in my cell. After being sprayed I was given a shower when I got up I turned up coming and I the seizure in the hospital ~~had~~ sickbed stage I hurt Lt Perez say I hope he gets cancer as I can take care of him. Australian and I am him

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Who did
what?

I am given the order to pray me
which I refused since I complied with
I was not compliant and causing a disturbance
and putting no ruler immediately there.

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Officer Mukerji, Corporal Shumon (verbally
entreated other officers

Was anyone
else
involved?

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VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Is there a grievance procedure available at your institution? Yes No

Have you filed a grievance concerning the facts relating to this complaint? Yes No

If no, explain why not:

Is the grievance process completed? Yes No

If no, explain why not:

The grievance has been rejected

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like compensation relief my eye has been damaged from the spray when a deer in my eye from the back up the spray

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VIII. PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

Yes No

If yes, how many? _____ | _____

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

Brenda Lee Panther v Detention Department of

Correctional Commission Et al Plaintiff D Hudson

Officer Cedenoz Rivera Justice Ruled May

F-16 Amendment 101 Amendment nullification

St, 11 pend.
J

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IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Plaintiff must sign and date the complaint and provide prison identification number and prison address.

6-3-2022

Dated

Brand C Bys

Plaintiff's Signature

Penultimo Brandon L

Printed Name (Last, First, MI)

410728

Prison Identification #

1181 River Rd

Prison Address

Smyrna

City

DE

State

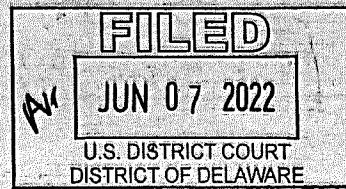
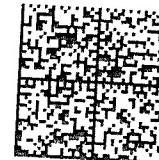
18977

Zip Code

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

IM Brcc J. Pough Jr
SBI# U10728 UNIT A-Tur Z1

JAMES T. VAUGHN CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



Put up The Clerk
U.S. District Court
800 N King St Unit 18
LAW DE 16801-3570